SOUTHERN DISTRICT OF MISSISSIPPI
FILED
FEB 16 2017
ARTHUR JOHNSTON
BY ________ DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

v. MAGISTRATE NO. 3:17cr20DCB FKB

MAHANT SINGH 33 U.S.C. § 1319(c)(1)(B)

The United States Attorney charges:

In Yazoo County in the Southern District of Mississippi, at all times relevant to this case:

A. Defendant

1. Defendant **MAHANT SINGH** was the operator of the 49 Quick Stop Grocery ("Quick Stop"), a convenience store and gasoline filling station located at 1103 Jerry Clower Boulevard, Yazoo City, Mississippi.

2. The Quick Stop has two underground gasoline storage tanks connected to retail gasoline pumps. The tanks and dispensing equipment are regulated by the Mississippi Department of Agriculture and Commerce ("MDAC") which monitors the integrity of the tanks, the safety of the pumps, and the quality of the fuel.

3. The Quick Stop is connected to the Yazoo City wastewater treatment system through a sewage pipe that is accessible outside of the store through a cleanout opening in the pipe. The Quick Stop is authorized by Yazoo City to discharge only wastewater and sewage into its treatment system.

B. Yazoo City's Wastewater Treatment System

4. The Public Service Commission of Yazoo City, Mississippi operates a publicly owned wastewater collection and treatment system subject to a permit (MS0020389) issued by the State of Mississippi under the authority of Section 402(b) of the Federal Water Pollution Control Act, commonly known as the Clean Water Act, Section 1342(b), Title 33, United States Code.

C. Laws Regulating the Discharge of Pollutants into Permitted Wastewater Treatment Plants

5. The Clean Water Act, Section 1251 *et. seq.,* Title 33, United States Code, authorizes the implementation of regulations designed to protect permitted publicly owned wastewater treatment works ("POTWs") and to assure that they meet the limitations and conditions established in their permits, as provided by Sections 1317 and 1342, Title 33, United States Code, and Section 403, Title 40, Code of Federal Regulations ("C.F.R.").

6. Section 403.5, Title 40, C.F.R. establishes National Pretreatment Standards which apply to any person discharging any material into a POTW.

7. Section 403.5(b)(1), Title 40, C.F.R. prohibits the discharge to a POTW of any "pollutants which create a fire or explosion hazard in the POTW."

8. It is a Class A misdemeanor under the Clean Water Act for any person negligently to introduce into a POTW any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or to introduce into a POTW any material other than in compliance with all applicable Federal, State, or local requirements or permits, as provided by Section 1319(c)(1)(B), Title 33, United States Code.

D. Discharge in Violation of the Clean Water Act

9. At the end of April 2016, water from rainstorms leaked into one of the underground gasoline storage tanks at the Quick Stop though an inadequately maintained tank cap. The presence of water in the fuel storage tank triggered an automatic shut off, preventing the dispensing of gasoline.

10. When there had been a similar water leak into a Quick Stop tank about a year earlier, in March 2015, defendant **MAHANT SINGH** arranged for a commercial tank service company to remove the water and gasoline mixture from his tank and to dispose of it properly, first by separating the water and gasoline.

11. Instead of arranging for the removal of the gasoline and water mixture from his tank, as he had a year earlier, on or about April 28, 2016, defendant **MAHANT SINGH** pumped some of the content of the contaminated Quick Stop tank into the cleanout opening in the sewage line servicing his store. He did so by extending a hose to the bottom of the tank where water might collect underneath the lighter gasoline. The other end of the hose he placed into the sewer pipe. Defendant **SINGH** turned on a pump connected to the hoses and allowed it to discharge liquid from the tank into the sewer line while he waited on customers at the Quick Stop store.

12. In so doing, defendant **MAHANT SINGH** discharged liquid from a Quick Stop gasoline storage tank into the Yazoo City wastewater treatment system thereby negligently introducing into a POTW a pollutant which the Defendant knew and reasonably should have known could cause personal injury or property damage and created a fire and explosion hazard.

In violation of Section 1319(c)(1)(B), Title 33, United States Code, and Section 403.5(b)(1), Title 40, Code of Federal Regulations.

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